

# COMMSOUTH Media, Inc.

716 NORTH MILLER AVENUE P.O. Box 810 - CROSSVILLE, TENNESSEE 38557 (615) 456-4656 FAX (615) 456-7591

*Sec*  
February 8, 1996

Secretary  
Federal Communications Commission  
1919 M Street, N.W. - Room 222  
Washington, D.C. 20554

Re: Petition to Amend FM Table of Assignments 73.202(b)  
Change Community of License WFRQ  
Has: Channel 235C3, Waynesboro, Tennessee  
Req: Channel 235C3, Collinwood, Tennessee

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Dear Secretary:

Pursuant to Section 1.401 of the Federal Communications Commission's Rules, please find enclosed an original and four copies of the above styled Petition for Rule Making on behalf of Ohio Broadcast Associates.

Please don't hesitate to call me should you have any questions or concerns about this matter.

Sincerely,



Kirk A. Tollett  
Consultant to Ohio Broadcast Associates

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of )  
)  
Amendment of Section 73.202 (b) ) Docket No. \_\_\_\_\_  
Table of Assignments, ) RM \_\_\_\_\_  
FM Broadcast Stations )  
Collinwood, Tennessee )

To: Chief, Policy and Rules Division

**PETITION FOR RULE MAKING**

Ohio Broadcast Associates, (hereinafter "Ohio"), licensee of FM Broadcast Station WFRQ at Waynesboro, Tennessee, pursuant to Section 1.401 of the Commission's Rules, respectfully petitions the Commission to institute a rule making proceeding to modify its license to specify operation on FM Channel 235C3 at Collinwood, Tennessee, in lieu of FM Channel 235C3 at Waynesboro, Tennessee. Specifically, Ohio seeks to amend Section 73.202(b) of the Commission's Rules as follows:

City	Channel Number	
	Present	Proposed
Waynesboro, Tennessee	235C3	
Collinwood, Tennessee		235C3

Section 1.420 (i) of the Commission's Rules permits an FM radio broadcast station to petition the Commission to amend the FM table of allotments to specify a new community of license for an FM radio station where the new allotment is mutually exclusive with the present allotment. In addition, the station involved would not risk the loss of its authorization to competing applicants. Modification of FM and TV Authorizations to

Specify a New Community of License, 4 FCC Rcd 4870, 66RR 2d (1989), (hereinafter "Report and Order I") recon. granted in part, 5 FCC Rcd 7094, 68 RR 2d 644 (1990) (hereinafter "Report and Order II"). Report and Order I identifies three threshold requirements to specifying a new community of license:

- 1) the existing and proposed allotments must be mutually exclusive;
- 2) the new allotment better serves the Commission's allotment priorities;  
and
- 3) the reallocation of the channel will not deprive the original community of its only existing local transmission service

As will be shown, this request meets each requirement and may, therefore, be granted.

**I. ALLOTMENT OF CHANNEL 235C3 AT COLLINWOOD, TENNESSEE IS MUTUALLY EXCLUSIVE WITH AN ALLOTMENT OF CHANNEL 235C3 AT WAYNESBORO, TENNESSEE.**

Exhibit E, Figure 1, shows that Channel 235C3 at Collinwood, Tennessee cannot co-exist with an allotment of 235C3 at Waynesboro, Tennessee. These communities are 16 kilometers apart, which is 137 kilometers less than the minimum separation of 153 kilometers required in Section 73.207 of the rules.

**II. THIS RULE MAKING PROPOSAL WILL BETTER SERVE THE PUBLIC INTEREST AND THE COMMISSION'S ALLOTMENT PRIORITIES.**

Ohio has determined that Channel 235C3 may be allotted to Collinwood, Tennessee in full compliance with Section 73.207 of the rules. Channel 235C3 as allocated at Waynesboro, Tennessee is limited in the coverage area and population which it may serve. By allotting Channel 235C3 to Collinwood, Tennessee, the Commission provide the first local service to Collinwood, Tennessee.

Collinwood, Tennessee is an incorporated city located in the south central portion of Wayne County Tennessee. Collinwood, Tennessee has its own local government with an elected Mayor and Town Council, a full time local Police force and local Fire Department in addition to city owned recreational and industrial areas. 1990 U.S. Census listed the population of the Town of Collinwood, Tennessee as 1,014 persons, and the Wayne County population as 13,935.

Collinwood, Tennessee is not located in an Urbanized area nor is it located in any Statistical Metropolitan Area.

### **III. OHIO'S PROPOSAL WILL NOT DEPRIVE WAYNESBORO, TENNESSEE ITS ONLY "EXISTING SERVICE."**

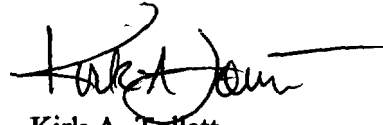
In its Report and Order II, the Commission reiterated that a reallocation must not deprive a community of its only "existing service." In the event that the Commission grants Ohio's request and modifies WFRQ's community of license to specify Collinwood, Tennessee, Waynesboro, Tennessee will retain an AM station, WTNR at 930 kilohertz, a Class D facility which operates non directional with 470 watts days and 91 watts at night.

It is the long standing policy of the Commission as mandated by Congress to allow the most efficient use of available spectrum in order to advance the public interest, convenience, and necessity. There is no FM broadcast facility currently licensed to Collinwood, Tennessee. Therefore, if adopted this proposal would provide first full-time, and first local service to the community of Collinwood, Tennessee.

When Channel 235C3 is allocated to Collinwood, Tennessee, Ohio will promptly file an appropriate application to modify the license of WFRQ and since no change of site is being requested in association with this petition, no new facilities will be required to be constructed.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202(b) of its Rules by allocating FM Channel 235C3 to Collinwood, Tennessee.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kirk A. Tollett", with a long horizontal flourish extending to the right.

Kirk A. Tollett  
Consultant to  
Ohio Broadcast Associates

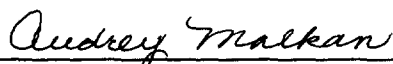
Commsouth Media, Inc.  
P.O. Box 810  
Crossville, TN 38557-0810  
(615)456-4656  
November 22, 1996

## DECLARATION

I, Audrey Malkan, Owner of Ohio Broadcast Associates, (hereinafter Ohio) hereby certify that:

1. Ohio is licensee of FM Station WFRQ at Waynesboro, Tennessee.
2. Ohio requesting the Federal Communications Commission institute the appropriate Rule Making to allocate FM Radio Channel 235C3 to the town of Collinwood, Tennessee in lieu of Channel 235C3 at Waynesboro, Tennessee and to modify the WFRQ license accordingly.
3. Ohio has retained Kirk A. Tollett and Commsouth Media, Inc. to assist us in the preparation and filing of the required technical exhibits to facilitate the afore mentioned rule making.
4. If FM Channel 235C3 is allocated to Collinwood, Tennessee, Ohio will promptly apply for a construction permit to modify the license of WFRQ. If a construction permit is granted, Ohio will promptly construct and operate the station for which It is licensed.

I hereby certify under penalty of perjury that the above statement is true.  
Signed and dated this 30<sup>th</sup> day of November, 1996

  
\_\_\_\_\_  
Audrey Malkan, Owner  
Ohio Broadcast Associates  
404 Avalon Avenue  
Muscle Shoals, Alabama 35662

## **TECHNICAL STATEMENT**

**Ohio Broadcast Associates**

**Collinwood, Tennessee**

**November, 1996**

### **INTRODUCTION**

This technical statement has been prepared on behalf of Ohio Broadcast Associates, in support of a Petition for Rule Making, requesting a change in the Community of License of WFRQ from Channel 235C3 at Waynesboro, Tennessee to Channel 235C3 at Collinwood, Tennessee and in the FM Table of Assignments, Paragraph 73.202(b) of the FCC Rules as follows:

City	Channel Number	
	Present	Proposed
Waynesboro, Tennessee	235C3	
Collinwood, Tennessee		235C3

As can be gleaned from the attached Figures, Channel 235C3 can be added to the Federal Communications Commission Table of Assignments with out the necessity of any other changes and without the creation of any new preclusion area.

### **DISCUSSION**

Figure 1, is a computer generated allocation study using the Commission's specified method of distance computations, demonstrating the assignability of FM Channel 235C3 to Collinwood, Tennessee. The information contained in Figure 1, was utilized to determine the Clearance Area outlined in Figure 2.

Figure 2 is a full scale reproduction of a portion of a U.S.G.S. 1:250,000 map entitled "Columbia, Tennessee". Upon it has been superimposed a cross mark which represents the coordinates of the presently licensed WFRQ transmitter site. The geographic coordinates of the present WFRQ transmitter site are:

N 35° 08' 16"

W 87° 49' 43"

Figure 2, details the area of Collinwood and the pertinent arcs from all co-channel as well as adjacent channel facilities, allocated, assigned or operational within 200 miles of the proposed allocation. For purposes of demonstrating clearance, the present license of WFRQ-FM on Channel 235C3 has been ignored. Based on Figure 2 it is believed that there is ample clearance area (highlighted in yellow) to locate a tower site that would place the required unobstructed city grade signal, (70 dBu), over the entire Community of Collinwood, Tennessee. Figure 3 demonstrates the present city grade signal (70 dBu) of WFRQ utilizing the presently licensed tower, with a center of radiation 190 meters above average terrain and an effective radiated power of 6.8 kilowatts. This power/ height combination is the equivalent of a full Class C3 facility, as permitted under current Commission Rules and Regulations.

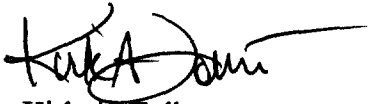
### **CONCLUSION**

Based on this information, and the figures that are included in this Report, we believe that the proposed assignment would be in full compliance with the Federal Communications Commission's Rules, and that Channel 235C3 could be assigned to Collinwood, Tennessee as that communities first local broadcast service.



Therefore, Ohio Broadcast Associates, respectfully requests amendment of the Commission's Table of Assignments, Section 73.202(b), and will promptly apply for a construction permit, should the Federal Communications Commission make the requested assignment.

Respectfully,

A handwritten signature in black ink, appearing to read "Kirk A. Tollett", with a long horizontal flourish extending to the right.

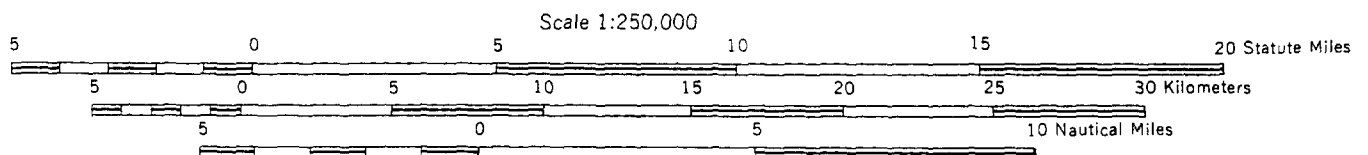
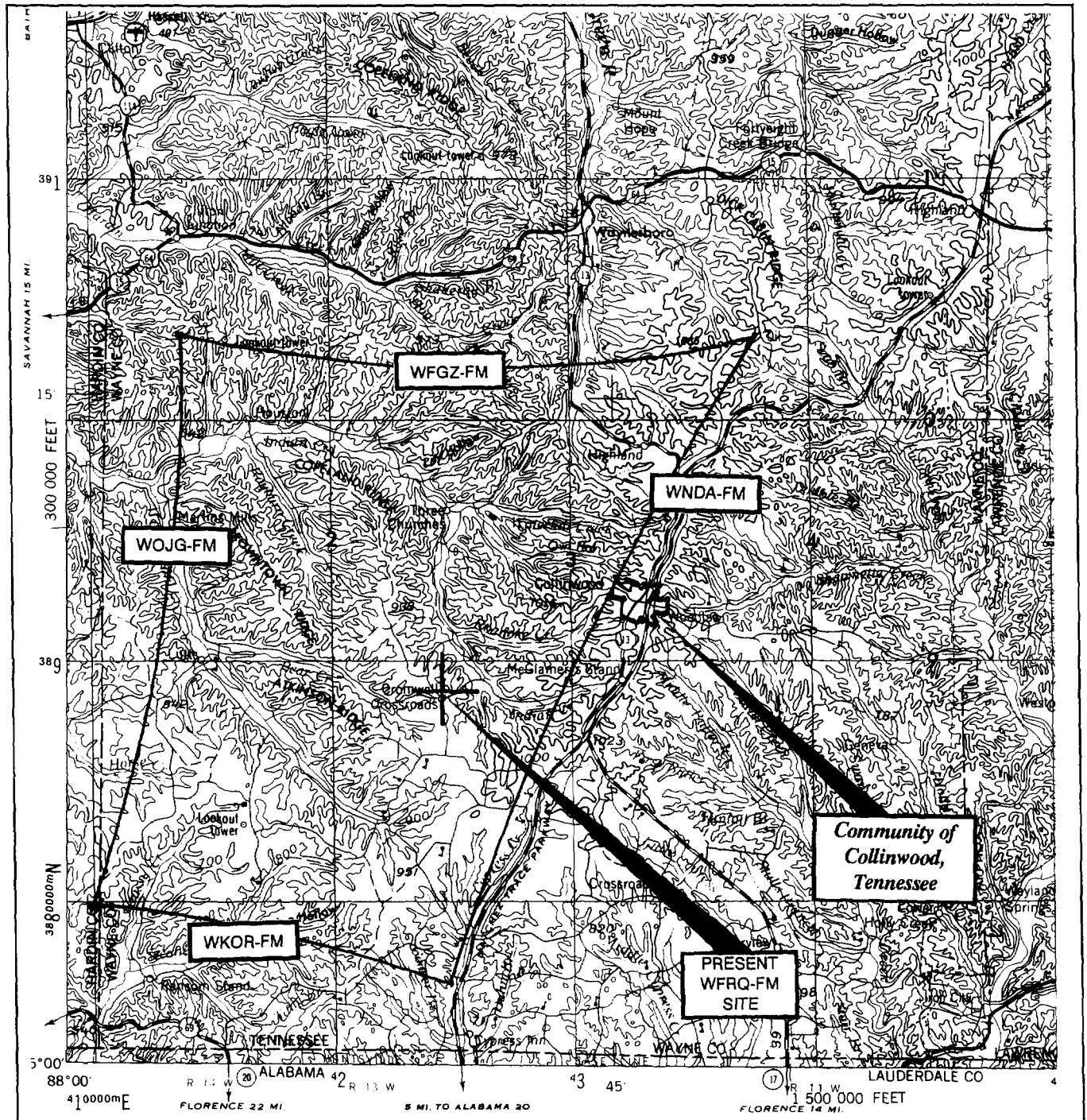
Kirk A. Tollett  
Consultant to Ohio Broadcast Associates  
November 20, 1996

**FIGURE 1**  
**FM SEPARATION STUDY**  
**OHIO BROADCAST ASSOCIATES**  
**WFRQ FM CHANNEL 235 CLASS C3**  
**COLLINWOOD, TENNESSEE**

Commsouth Study of FM Channel 235C3 at N. Lat. 35-08-16 W. Lon. 87-49-43

Call Sign	City	ST	ChnCL	ERP	Stat	Latitude	Longitude	Dist	Sep	Clear
WXRZ	Corinth	MS	232A	006. LIC		34-54-51,	88-30-42	67.1	42	25.1
(None)	Corinth	MS	232A	0000 USED		34-54-51,	88-30-42	67.1	42	25.1
(None)	Lewisburg	TN	232A	0000 USED		35-27-03,	86-46-57	101.3	42	59.3
W232AH	Florence	AL	232D	.007 LIC		34-49-07,	0-41-45	37.4	0	37.4
W232AH	Florence	AL	232D	.007 CP		34-46-27,	87-40-14	42.8	0	42.8
WJMF	Lewisburg	TN	232A	3.00 LIC		35-27-03,	86-46-57	101.3	42	59.3
(None)	Lobelville	TN	233C2	0000 USED		35-46-21,	87-52-05	70.5	56	14.5
WFGZ	Lobelville	TN	233C2	22.0 LIC		35-45-56,	87-49-50	69.7	56	13.7
WOJG	Bolivar	TN	234A	06.0 LIC		35-16-39,	88-55-41	101.3	89	12.3
(None)	Bolivar	TN	234A	0000 USED		35-15-30,	88-59-30	106.8	89	17.8
(None)	Byhalia	MS	235A	0000 USED		34-46-10,	89-37-57	169.8	142	27.8
(None)	Columbus	MS	235C2	0000 USED		33-28-38,	88-16-25	188.7	177	11.7
WTRBFM	Ripley	TN	235A	6.00 LIC		35-48-47,	89-28-26	167.1	142	25.1
WHLE	Byhalia	MS	235A	06.0 CP MO		34-55-30,	89-40-57	170.8	142	28.8
(None)	Ripley	TN	235A	0000 USED		35-47-58,	89-29-28	167.8	142	25.8
WFRQ	Waynesboro	TN	235C3	06.8 LIC		35-08-16,	87-49-43	0.0	153	-153.0
(None)	Waynesboro	TN	235C3	0000 USED		35-14-04,	87-42-50	15.0	153	-138.0
WKORFM	Columbus	MS	235C2	50.0 LIC		33-28-38,	88-16-25	188.7	177	11.7
(None)	Huntsville	AL	236C2	0000 USED		34-42-56,	86-35-55	121.8	117	4.8
(None)	Glasgow	KY	236C	0000 USED		36-54-43,	86-11-21	246.1	176	70.1
WCDZ	Dresden	TN	236A	006. LIC		36-15-50,	88-40-03	146.2	89	57.2
WNDA	Huntsville	AL	236C2	050. LIC		34-42-56,	86-35-55	121.8	117	4.8
WGGC	Glasgow	KY	236C	100. LIC		36-54-43,	86-11-21	246.1	176	70.1
(None)	Dresden	TN	236A	0000 USED		36-15-39,	88-42-29	147.9	89	58.9
WCDZ	Dresden	TN	236C3	25.0 APP		36-15-50,	88-40-03	146.2	99	47.2
(None)	Dresden	TN	236C3	0000 VACAN		36-15-50,	88-40-03	146.2	99	47.2
WADI	Corinth	MS	237A	04.2 LIC		34-55-45,	88-25-17	58.8	42	16.8
(None)	Corinth	MS	237A	0000 USED		34-55-45,	88-25-17	58.8	42	16.8
W237AQ	Killen	AL	237D	.015 LIC		34-51-25,	87-33-25	39.8	0	39.8
(None)	Nashville	TN	238C	0000 USED		36-08-27,	86-51-56	141.4	96	45.4
WSMFM	Nashville	TN	238C	100. LIC		36-08-27,	86-51-56	141.4	96	45.4
WSMFM	Nashville	TN	238C	100. LIC		36-08-27,	86-51-56	141.4	96	45.4

**FIGURE 2**  
**FM CLEARANCE MAP**  
**OHIO BROADCAST ASSOCIATES**  
**WFRQ FM CHANNEL 235 CLASS C3**  
**COLLINWOOD, TENNESSEE**



**Scale 1:500000**

**10 Km**

**EM City Grade**

## Let Her Ride

## **CERTIFICATION**

Kirk A. Tollett hereby certifies that;

He is owner of Commsouth Media, Inc., a broadcast consulting firm based in Crossville, Tennessee;

His qualifications in broadcast matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions over the past 19 years;

That he has been retained by Ohio Broadcast Associates, for the purpose of developing technical exhibits and analyses for the instant filing;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

Signed and dated this 20th day of November, 1996

A handwritten signature in black ink, appearing to read 'Kirk A. Tollett', is written over a horizontal line.

Kirk A. Tollett  
Commsouth Media, Inc.  
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Crossville, Tennessee 38557-0810  
(615)456-4656